

AF/1635



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re patent application of:

HARVEY *et al.*

Serial No. 09/121,239

Filed: July 23, 1998

For: METHODS FOR DETECTING AND
MEASURING SPLICED NUCLEIC ACIDS

) Group Art Unit: 1635

) Examiner: Schmidt, M.

) Atty. Docket No. GP091-02.UT

RECEIVED
JUL 20 2000
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TRANSMITTAL LETTER

Box A.F.
Commissioner for Patents
Washington, D.C. 20231

Sir:

Responsive to the Final Office Action mailed April 12, 2000, for which response is due July 12, 2000,
enclosed are the following documents pertaining to the above-referenced application:

- 1) After Final Amendment - 10 pgs.;
- 2) Fee Transmittal - 1 pg.; and
- 3) Return/Prepaid Postcard

No fee is believed due in connection with the filing of this Response. If, however, Applicant is mistaken,
please debit Deposit Account No. 07-0835 the appropriate amount.

I hereby certify that this correspondence (along with any referred to as being attached or enclosed) is being
deposited on the date indicated below with the U.S. Postal Service as First Class Mail addressed to Box A.F.,
Commissioner for Patents, Washington, D.C. 20231.

Respectfully submitted,

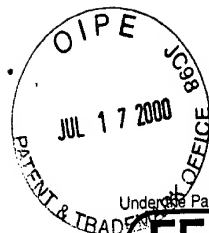
GEN-PROBE INCORPORATED

Dated: July 12, 2000

By:

Christine A. Gritzmacher
Christine A. Gritzmacher
Registration No. 40,627

Patent Department
10210 Genetic Center Drive
San Diego, California 92128
PH: 858-410-8926 / FAX: 858-410-8928



PTO/SB/17 (12/99)
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FEE TRANSMITTAL for FY 2000

Patent fees are subject to annual revision.
Small Entity payments must be supported by a small entity statement,
otherwise large entity fees must be paid. See Forms PTO/SB/09-12.
See 37 C.F.R. §§ 1.27 and 1.28.

TOTAL AMOUNT OF PAYMENT (\$)**0.00**

Complete if Known

Application Number **09/121,239**
Filing Date **July 23, 1998**
First Named Inventor **Harvey et al.**
Examiner Name **Schmidt, M.**
Group / Art Unit **1635**
Attorney Docket No. **GP091-02.UT**

METHOD OF PAYMENT (check one)

1. ☒ The Commissioner is hereby authorized to charge indicated fees and credit any overpayments to:

Deposit Account Number **07-0835**

Deposit Account Name **Gen-Probe Incorporated**

☐ Charge Any Additional Fee Required
Under 37 CFR §§ 1.16 and 1.17

2. ☐ Payment Enclosed:

☐ Check ☐ Money Order ☐ Other

FEE CALCULATION

1. BASIC FILING FEE

Large Entity Fee Code (\$)	Small Entity Fee Code (\$)	Fee Description	Fee Paid
101 690	201 345	Utility filing fee	
106 310	206 155	Design filing fee	
107 480	207 240	Plant filing fee	
108 690	208 345	Reissue filing fee	
114 150	214 75	Provisional filing fee	

SUBTOTAL (1) (\$)**n/a**

2. EXTRA CLAIM FEES

Total Claims	Extra Claims	Fee from below	Fee Paid
20	20** = 0	X	0.00
3	3** = 3	X	0.00
Multiple Dependent			

**or number previously paid, if greater; For Reissues, see below

Large Entity Fee Code (\$)	Small Entity Fee Code (\$)	Fee Description
103 18	203 9	Claims in excess of 20
102 78	202 39	Independent claims in excess of 3
104 260	204 130	Multiple dependent claim, if not paid
109 78	209 39	** Reissue independent claims over original patent
110 18	210 9	** Reissue claims in excess of 20 and over original patent

SUBTOTAL (2) (\$)**0.00**

FEE CALCULATION (continued)

3. ADDITIONAL FEES

Large Entity Fee Code (\$)	Small Entity Fee Code (\$)	Fee Description	Fee Paid
105 130	205 65	Surcharge - late filing fee or oath	
127 50	227 25	Surcharge - late provisional filing fee or cover sheet	
139 130	139 130	Non-English specification	
147 2,520	147 2,520	For filing a request for reexamination	
112 920*	112 920*	Requesting publication of SIR prior to Examiner action	
113 1,840*	113 1,840*	Requesting publication of SIR after Examiner action	
115 110	215 55	Extension for reply within first month	
116 380	216 190	Extension for reply within second month	
117 870	217 435	Extension for reply within third month	
118 1,360	218 680	Extension for reply within fourth month	
128 1,850	228 925	Extension for reply within fifth month	
119 300	219 150	Notice of Appeal	
120 300	220 150	Filing a brief in support of an appeal	
121 260	221 130	Request for oral hearing	
138 1,510	138 1,510	Petition to institute a public use proceeding	
140 110	240 55	Petition to revive - unavoidable	
141 1,210	241 605	Petition to revive - unintentional	
142 1,210	242 605	Utility issue fee (or reissue)	
143 430	243 215	Design issue fee	
144 580	244 290	Plant issue fee	
122 130	122 130	Petitions to the Commissioner	
123 50	123 50	Petitions related to provisional applications	
126 240	126 240	Submission of Information Disclosure Stmt	
581 40	581 40	Recording each patent assignment per property (times number of properties)	
146 690	246 345	Filing a submission after final rejection (37 CFR § 1.129(a))	
149 690	249 345	For each additional invention to be examined (37 CFR § 1.129(b))	
Other fee (specify) _____			
Other fee (specify) _____			

*Reduced by Basic Filing Fee Paid

SUBTOTAL (3) (\$)**0.00**

SUBMITTED BY

Name (Print/Type)	Registration No. (Attorney/Agent)	Telephone
Christine A. Gritzmacher	40,627	(858)410-8926
Signature <i>Christine A. Gritzmacher</i>	Date	July 12, 2000

WARNING:

Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.

Burden Hour Statement: This form is estimated to take 0.2 hours to complete. Time will vary depending upon the needs of the individual case. Any comments on the amount of time you are required to complete this form should be sent to the Chief Information Officer, Patent and Trademark Office, Washington, DC 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Assistant Commissioner for Patents, Washington, DC 20231.



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants:	Harvey et al.)	Examiner:	Schmidt, M.
)		
Serial No.	09/121,239)	Group Art. Unit:	1635
)		
Filed:	July 23, 1998)		
)		
For:	METHODS FOR DETECTING AND MEASURING SPLICED NUCLEIC ACIDS)	Docket No.:	GP091-02.UT

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D.G.J.
7/20/00
(NE)

AMENDMENT AFTER FINAL

RECEIVED
JUL 20 2000
TECH CENTER 1600 2900

Box AF
Commissioner for Patents
Washington, D.C. 20231

Dear Sir:

In response to the Office Action mailed April 12, 2000, which is hereby timely responded to, kindly amend the above-identified application as follows.

IN THE CLAIMS

Please amend Claims 1, 6, 9, and 19 as follows:

1. (Amended Twice) A method for detecting a fusion nucleic acid comprising the steps of:
 - a) providing a sample containing a first single-stranded fusion nucleic acid comprising a splice junction;
 - b) contacting under nucleic acid amplification conditions:
 - the first single-stranded fusion nucleic acid,
 - a first primer which hybridizes to the fusion nucleic acid at a first primer binding site located 3' to the splice junction site, and

Certificate of Express Mail

I hereby certify that this correspondence (along with any referred to as being attached or enclosed) is being deposited on the date indicated below with the U.S. Postal Service as First class mail addressed to Commissioner for Patents, Washington, D.C. 20231.

Date: July 12, 2000

Christine A. Gritzmaecher